

SEVENTH DAY
(Tuesday, January 22, 1985)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Caperton, Glasgow, Lyon.

A quorum was announced present.

The Reverend Brady King, Cameron Road Church of Christ of Austin, offered the invocation as follows:

Father, we come before You this morning mindful of Your power and majesty and compassion. We are grateful for Your guiding hand in the daily activities of life. This day as we convene, as Your servants in government, may our decisions reflect Your wisdom and compassion and may we seek Your guidance in the best interest of the people of this State.

In the name of Jesus Christ, who cared for people. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Harris.

MESSAGE FROM THE HOUSE

House Chamber
January 22, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 12, In memory of Welma Morphew Aikin, wife of the late Senator A. M. Aikin, Jr.

S.C.R. 16, Commending Mr. Bill Wagner for his outstanding years of public service and extending best wishes on his retirement.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEE

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 51 (Amended)

S.B. 53

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 33

S.B. 118 (Amended)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 209 by Sharp Natural Resources
Relating to the continuation, duties, and operations of the office of Rio Grande Compact Commissioner of Texas.

S.B. 210 by Leedom State Affairs
Relating to the sale of certain property and to the use of the proceeds to provide mental health services.

S.B. 211 by Uribe, Brown Education
Relating to discipline in public schools.

S.B. 212 by Edwards Health and Human Resources
Relating to the governing board, operations, and continuation of the Texas Department on Aging.

S.B. 213 by Williams State Affairs
Relating to the date on which Memorial Day is celebrated.

S.B. 214 by Traeger Natural Resources
Relating to the authority of the Texas Department of Health to charge fees under the Solid Waste Disposal Act.

S.B. 215 by Montford Education
Relating to the creation of the Texas Tech University System.

S.B. 216 by Montford Education
Relating to the powers of the Board of Regents of Texas Tech University to fix the rate of incidental student fees.

S.B. 217 by Blake Health and Human Resources
Relating to the qualifications of the commissioner of mental health and mental retardation.

S.J.R. 9 by Williams, Barrientos, State Affairs
Brooks, Brown, Caperton, Edwards, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Washington, Whitmire.

Proposing a constitutional amendment to provide additional bonding authority for the veterans' housing assistance program and changing the definition of those veterans eligible to participate in the veterans' land program and the veterans' housing program by authorizing the legislature by law to define an eligible veteran for the purposes of those programs.

SENATE BILL 44 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 44, Relating to compensation of members of the State Pension Review Board.

The bill was read second time and was passed to engrossment.

SENATE BILL 44 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 44** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent: Parmer, Santiesteban, Washington.

Absent-excused: Caperton, Glasgow, Lyon.

The bill was read third time and was passed.

STATEMENT BY SENATOR MAUZY

On motion of Senator Mauzy and by unanimous consent, the following statement was reduced to writing and printed in the Senate Journal for today:

Twelve years ago today, the United States Supreme Court held that a woman's right to an abortion was a fundamental Constitutional right—a right of privacy.

For twelve years the extent of that right has been tested in our courts, and the Supreme Court holds fast to the principle that women have the right and freedom to make a choice.

Today we applaud those who respect our Constitution—who use the courts of this country to resolve our differences.

Today we repudiate those who, in their frustration to have the laws interpreted to reflect their opinions, have resorted to violence, invasion of privacy, harassment, destruction of property, intimidation and death threats.

Over thirty bombings of women's clinics have occurred—many of them providing only birth control information for women.

Death threats and bomb threats to patients and clinic personnel increase.

Privacy has been invaded with photographs taken of patients entering clinics.

Slandorous accusations are made against women as they exercise their Constitutional rights.

Publications refuse to carry ads on the availability of legal abortion services.

How ironic that those who advocate the right to live, risk the lives of others.

Twelve years ago, women sought affirmative recognition of their right of freedom of choice in private matters. They pursued that right in our courts—seeking affirmation that our Constitution and Bill of Rights protect the individual from the power of the State.

Destruction of property, threats and terrorism must cease. Differences in deeply held values must be resolved within the framework of our Constitution.

Peaceful avenues are available to all citizens—today we celebrate the 12th anniversary of one such peaceful effort.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 4, the President announced the appointment of the following as a Committee to Escort Chief Justice John Hill to the Joint Session: Senators Barrientos, Brooks, Brown, Krier and Mauzy.

COMMITTEE SUBSTITUTE SENATE BILL 90 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 90, Relating to elections creating navigation districts and authorizing the issuance of bonds; providing for an emergency.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 90** by striking the caption and Section 1. and substitute the following:

**“A BILL TO BE ENTITLED
AN ACT**

relating to elections creating navigational districts, authorizing a maintenance tax and authorizing the issuance of bonds; providing for an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Notwithstanding the provisions of Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code), elections held on the questions of creation of a navigational district, authorization of a maintenance tax, and the issuance of bonds by such district may be held on dates other than the uniform election dates provided by that Code.”

The amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 90 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 90** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Santiesteban.

Absent-excused: Caperton, Glasgow, Lyon.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Santiesteban.

Absent-excused: Caperton, Glasgow, Lyon.

GUEST PRESENTED

The President presented the Honorable Jack Hightower, former Member of the Texas Senate and Member of Congress.

Senator Hightower addressed the Senate.

MOTION TO ADJOURN

On motion of Senator Brooks and by unanimous consent, the Senate at 10:52 o'clock a.m. agreed to stand adjourned at the conclusion of the Joint Session until 11:00 o'clock a.m. tomorrow.

JOINT SESSION

(To hear address of the Honorable John Hill, Chief Justice of the Supreme Court of Texas)

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m. to hear the address of the Honorable John Hill, Chief Justice of the Supreme Court of Texas, pursuant to the provisions of S.C.R. 4.

The President was announced and, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable John Hill, Chief Justice of the Supreme Court of Texas, accompanied by his party, was announced by the Doorkeeper of the House.

Justice Hill's party was escorted to the Speaker's Rostrum by Senators Barrientos, Brooks, Brown, Krier and Mauzy on the part of the Senate and Representatives Adkisson, L. Evans, Finnell, Morales and Smithee on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Speaker presented the following platform guests: Presiding Judge John Onion, Court of Criminal Appeals, and the following Judges of the Court of Criminal Appeals: Bill White, Tom G. Davis, W. C. Davis, Sam Houston Clinton, Michael J. McCormick, Marvin O. Teague and Chuck Miller; Associate Justices of the Supreme Court: Sears McGee, Raul A. Gonzalez, Robert Campbell, Franklin Spears, C. L. Ray, James P. Wallace, Ted Robertson and William W. Kilgarlin.

The Speaker then presented the Honorable John Hill, Chief Justice of the Supreme Court of Texas, who addressed the Joint Session.

At the conclusion of Justice Hill's address, the Speaker presented additional platform guests Mrs. John (Bitsy) Hill, the Honorable Mark White, Governor of Texas, and former Governor Price Daniel.

CONGRATULATORY RESOLUTIONS.

S.C.R. 23 - By Barrientos: Extending congratulations to employees of the Lower Colorado River Authority.

S.R. 27 - By Brooks: Extending congratulations to Vince Stiglich, Jr.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 11:50 o'clock a.m. would stand adjourned until 11:00 o'clock a.m. tomorrow, in accordance with a motion previously adopted by the Senate.

EIGHTH DAY

(Wednesday, January 23, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Washington, Whitmire, Williams.

Absent-excused: Caperton, Glasgow, Truan.

A quorum was announced present.

Senator John Sharp offered the invocation as follows:

Our Father, as we consider the task before us, let each of us have enough wisdom to know Your will, let each of us have enough courage to do Your will as we know it, but give each of us understanding, enough grace, that we may recognize and appreciate the differing views of our colleagues, and make each of us humble enough to know that none of us have cornered the market on righteousness. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of death in family on motion of Senator Mauzy.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Mauzy.